

The Chairman of the Military Commission, Mr Paulo Muwanga, has issued a declaration regarding the confirmation of who shall be considered as having been elected a member of Parliament following the end of the 1980 General Elections.

This proclamation is deemed effective from yesterday.

According to the declaration issued this evening, the returning officer shall make no public declaration of the finding but forthwith communicate it to the Chairman of the Military Commission with confidential report on various aspects of the conducting of election.

Any result declared otherwise than in compliance with the provisions of the declaration shall not be valid or binding and any publication of such purported result by any means whatsoever whether in writing, print, communication or by word of mouth howsoever, shall be a penal offence punishable by a fine of upto half a million shillings and/or imprisonment of upto five years.

The following is the full text of the declaration:

"WHEREAS one-hundred and twenty-six writs under the National Assembly (Elections) Act were issued for general elections as members of the National Assembly;

AND WHEREAS seventeen such writs were returned with an endorsement that candidates in respect thereof had been returned unopposed;

AND WHEREAS elections were scheduled to be held on 10th day of December, 1980 in the remaining one-hundred-and-nine of the Parliamentary Constituencies for such elections where more than one candidate was duly nominated;

AND WHEREAS the Electoral Commission advised late on the mid-day of December 10th, 1980 that the said elections could not be held as scheduled for reasons, inter alia, of the break-down in the machinery of the Electoral Commission;

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AND WHEREAS the Electoral Commission requested that day and time for polling be generally extended to the 11th of December, 1980 in all the constituencies;

AND WHEREAS some returning officers ignorant of the extension of the polling time and day, commenced counting of the votes cast on the 10th December, 1980 on the close of the poll on that day and such counting of votes was completed in some constituencies and partially completed in others;

AND WHEREAS on such complete or partial count of votes, the returning officers and/or the presiding officers permitted votes to be further cast at such polling stations on the 11th of December, 1980 also;

NOW THEREFORE, in exercise of the powers vested in the Military Commission, we do hereby proclaim as follows:

1. Notwithstanding the Provision of Section 21(2)(a) of the National Assembly (Elections) Act and the notice of the day and time of poll already published, the poll at all constituencies shall also be held on the 11th day of December, 1980 between the hours of 7.00 a.m. and 2.00 p.m.
2. Notwithstanding the provisions of sections 44 and 45 of the National Assembly (Elections) Act,
 - (a) counting of votes on close of poll on 10th December, 1980 and subsequent further poll at such polling stations on 11th December, 1980 shall not invalidate the poll or results duly declared in respect thereof;
 - (b) Where a returning officer and/or presiding Officer completed count of poll on close of poll on 10th December, 1980 and duly ascertained result in respect therefore, such ascertaining of the result, subject to Article 3 hereof, shall be valid and binding; and

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(c) the counting of votes at the various polling stations in a constituency instead of at a single central point in such constituency shall be valid.

3. For the purpose of the 1980 elections to the National Assembly, Section 47 of the National Assembly (Elections) Act shall be substituted by the following:
"47A(a) when the result of the poll of a constituency has been ascertained, the returning officer shall make no public declaration of the finding but forthwith communicate it to the Chairman of the Military Commission with a confidential report on various aspects of the conduct of the election;

(b) On receipt of the said result and the report and information otherwise, the Chairman of the Military Commission shall ascertain whether the election has been fair and free of any irregularity or violence and thereafter either
(i) declare elected the candidate to whom the majority of votes have been given and so endorse the writ; or
(ii) declare the election void, which declaration shall not be open to challenge at a Court of Law, and order a fresh election to be held at a date to be notified in due course.

(c) Any result declared otherwise than in compliance with the provisions herein shall not be valid or binding and any publication of such purported result by any means of whatsoever whether in writing, print, communication or by word of mouth howsoever shall be a penal offence punishable by a fine of upto shillings half a million and/or imprisonment of upto five years".

4. This proclamation shall be deemed to have come into force on the 10th day of December, 1980.

Signed: Paulo Muwanga, Chairman, Military Commission.